

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT J. ABALOS,

Plaintiff,

v.

WILLIAM BRONCHICK, *et al.*,

Defendants.

No. C07-844RSL

ORDER GRANTING PLAINTIFF'S
MOTION TO SHOW CAUSE, AND
ORDER TO SHOW CAUSE

I. INTRODUCTION

This matter comes before the Court on plaintiff's "Motion to Show Cause Regarding Initial Disclosures and Joint Status Report" (Dkt. #21). In his motion, plaintiff requests an order requiring defendants to show cause why they have failed to comply with the Court's February 5, 2008 order. See Dkt. #21 at 4-5. For the reasons set forth below, the Court grants plaintiff's motion.

II. DISCUSSION

On June 4, 2007, plaintiff filed this action claiming defendants violated provisions of the Fair Credit Reporting Act, 15 U.S.C. § 1681, by accessing plaintiff's personal credit report. See Dkt. #1 (Complaint). On August 10, 2007, defendants' counsel entered a notice of appearance. See Dkt. #2 (Notice of Appearance of Evan L. Loeffler). On August 21, 2007, the Court entered an "Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement) (Dkt. #3) requiring that the parties file a joint Fed. R. Civ. P. 26(f) and Local Civil Rule 16 status report

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1 and discovery plan by October 2, 2007. See Dkt. #4. The parties, however, failed to comply
2 with the August 21, 2007 order, and as a result, on November 6, 2007, the Court ordered the
3 parties to show cause why they should not be sanctioned for their failure to file the joint status
4 report and discovery plan. See Dkt. #5. Shortly thereafter, plaintiff moved for entry of default,
5 which was granted (Dkt. #12), and defendants subsequently moved to vacate the default, which
6 was granted on February 4, 2008 (Dkt. #16) (Order Setting Aside Default Judgment).

7 On February 5, 2008, the Court ordered the parties to: (1) conduct a Fed. R. Civ. P. 26(f)
8 conference by February 19, 2008; (2) provide initial disclosures as required by Fed. R. Civ. P.
9 26(a)(1) by February 26, 2008; and (3) and file with the Court by March 4, 2008 a combined
10 joint status report and discovery plan as required by Fed. R. Civ. P. 26(f) and Local Civil Rule
11 16. See Dkt. #17 (Amended Order Regarding Initial Disclosures, Joint Status Report, and Early
12 Settlement).

13 Defendants have failed to respond to the Court's February 5, 2008 order. In his motion,
14 plaintiff represents that he "has made multiple attempts to get the cooperation of the Defendant
15 [sic] and the Defendant's [sic] counsel to copy [sic] with the Court's orders in this case related
16 to discovery and has received no cooperation and no discovery plan whatsoever." Dkt. #21 at 2.
17 As part of the motion, plaintiff also attaches his proposed Rule 26(f) report dated February 26,
18 2008, and an e-mail purporting to show that the proposed report was sent and received by
19 defendants' counsel on February 26, 2008. See Dkt. #21. Defendants did not respond to
20 plaintiff's motion and have failed to respond to the Court's February 5, 2008 order requiring
21 submission of the combined joint status report.

22 By failing to respond to the February 5, 2008 scheduling order, defendants have now
23 failed twice to respond to the Court's orders. Defendants failed to respond to the Court's
24 August 21, 2007 scheduling order despite the fact that they had entered an appearance through
25 Evan Loeffler on August 10, 2007. See Dkt. ##2, 3. Both of these orders state that "[a] failure
26 by any party to comply fully with this Order may result in the imposition of sanctions." See

1 Dkt. #4 at 5; Dkt. #17 at 5.

2 **III. CONCLUSION**

3 For all of the foregoing reasons, the Court GRANTS plaintiff's motion (Dkt. #21) and
4 ORDERS defendants to SHOW CAUSE by **Friday, May 2, 2008** why sanctions should not be
5 imposed for their failure to comply with the Court's February 5, 2008 order. The Clerk is
6 directed to place this Order to Show Cause on the Court's calendar for Friday, May 2, 2008.

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8 DATED this 21st day of April, 2008.

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11 Robert S. Lasnik
12 United States District Judge
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